

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ALBERTO JIMENEZ,

Petitioner,

vs.

WARDEN, *et al.*,

Respondents.

2: 09-cv-01949-PMP-PAL

ORDER

This is a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 in which Petitioner, a state prisoner, is represented by counsel. Pending before the Court is Respondents' motion to dismiss. (Docket #8.)

Respondents filed their motion to dismiss on March 3, 2010. (Docket #8.) It is accompanied by proof of service on Petitioner. Petitioner has not opposed or otherwise responded to the motion. Rule 7-2 of the Local Rules of Practice of the United States District Court for the District of Nevada provides in part, "[t]he failure of an opposing party to file points and authorities in response to any motion shall constitute a consent to the granting of the motion." Accordingly, the Court finds that Petitioner's failure to respond to Respondents' motion constitutes consent to the granting of the motion.

IT IS THEREFORE ORDERED that Respondents' motion to dismiss is **GRANTED**. (Docket #8.) The clerk shall enter judgment accordingly.

DATED: September 13, 2010.



PHILIP M. PRO
United States District Judge